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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,024	12/29/2000	G. Ian Rowlandson	31-CD-5525	7714

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EXAMINER

MANUEL, GEORGE C

ART UNIT PAPER NUMBER

3762

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,024

Applicant(s)

ROWLANDSON, G. IAN

Examiner

George Manuel

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12, 16-22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) 5, 6, 13-15, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/24/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 3 depends on claim1, however, the tagging step is first found in claim 2, correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 7, 9, 10, 11, 12, 16-22, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taha et al '090.

Taha et al show acquiring a current ecg comprising step 108 and acquiring a previous ecg comprising 102 and detecting acute myocardial infarction comprising step 154. One of ordinary skill in the art would have found it obvious to determine that a new left bundle branch block is present based on a comparison of the electrocardiograms because Taha et al teach left bundle

Art Unit: 3762

branch block is only associated with acute coronary syndrome if it is new, i.e., if the left bundle branch block has not occurred in the patient's previous electrocardiograms.

The examiner is interpreting a special tag to comprise step 110.

Regarding claims 19 and 27, one of ordinary skill in the art would have found it obvious to locate acquisition unit 16 as a bedside monitor and connect it to management system 22 via a local area network because Taha et al teach the management system 22 may be located at a hospital in a remote location from acquisition unit 16 and local area networks well known in hospital settings for networking ecg monitoring.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taha et al '090 in view of Fischer '726.

Taha et al render all of the features of claims 1 and 7 obvious except for performing the tagging step by a satellite system.

One of ordinary skill in the art would have found it obvious to use a satellite system as taught by Fischer for performing the tagging step because the link between the acquisition device 16 and management system 22 readily lends itself to a satellite connection since both connections are wireless and a satellite connection merely extends the distance for which the two may be separated.

Art Unit: 3762

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taha et al '090 in view of Ambrus '264.

Taha et al render all of the features of claim 28 obvious except for treating the patient in response to a myocardial infarction.


One of ordinary skill in the art would have found it obvious to treat the patient with a thrombolytic therapy as taught by Ambrus because myocardial infarction is a serious condition which requires immediate treatment.

Allowable Subject Matter

Claims 5, 6, 13, 14, 15, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.


George Manuel
Primary Examiner
Art Unit: 3762

2/10/05